

§Appl. No.: 09/901,632
Amdt. Dated: September 23, 2003
Reply to Office Action of: June 23, 2003

REMARKS

Claims 13-17 and 20-30 remain in this application, claims 18 and 19 having been cancelled without prejudice or disclaimer. In the claims now pending before the Examiner, claims 13-17, 20 and 22 are directed to a unitary valve structure, while claims 23-29 are directed to a valve and support structure for a filter element. Claim 30 is an independent claim suggested by the Examiner as being patentable over the prior art. Applicant sincerely appreciates the Examiner's suggestion of allowable subject matter, however an extensive consideration of the prior art indicates that broader subject matter is patentable.

Claim Objections and Rejections Under 35 U.S.C. §112:

Applicant thanks the Examiner for the suggestions as to how the claims may be made definite by providing proper antecedent basis for all recitations in the claims and by having proper claim dependency. The claims as amended include corrections to remove the indefiniteness identified by the Examiner.

Rejections Under 35 U.S.C. §102:

Claims 13, 14 and 19 have been rejected under 35 U.S.C. §102(e) as anticipated by Suzuki et al. '183. Applicant respectfully traverses this rejection.

In order for a rejection to be sustainable under 35 U.S.C. §102 it is necessary that the single applied reference teach every element of the claimed invention. This is not the case with Suzuki '183 because Suzuki does not teach projections between a sealing portion (the lip 33 of Applicant) and the filter element (Applicant's filter element 12) so that fluid pressure caused by clogging of the filter element subjects the sealing portion to an

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over pressure allowing the fluid to pass between the sealing portion and the filter element. In Suzuki et al. '183 the pressure is applied through openings in a portion of the filter element, i.e., the inner support 32, in order to apply pressure to the sealing lip 42, rather than being applied upstream through gaps between the filter element (which includes the portion 32) and the collar. Accordingly, Suzuki '183 does not anticipate claims 13, 14 and 19 or any of the other claims now in this application, which all include upstream projections between the filter element and the collar.

Claims 13-19 have also been rejected under 35 U.S.C. §102(b) as being anticipated by Palmai '144. Applicant respectfully traverses this rejection.

Palmai '144 does not disclose projections between the filter element and valve. Rather, the projections identified by the Examiner as ribs 27 and 28 are within the valve itself because the projections extend between the bypass element 26 and the axial extension 33. Accordingly, Applicants two independent claims 13 and 23 as well as the claims which depend therefrom are not anticipated by Palmai '144.

Claims 13, 15 and 19 have been rejected under 35 U.S.C. §102(b) as anticipated by GB '395. Applicant respectfully traverses this rejection.

In GB '395 when the filter element 16 becomes clogged, the valve 23 separates from the end plate 3 so that the fluid flows through the gap 5. This is different from providing projections between the valve and filter element 16 so that upon the filter element 16 becoming clogged the fluid passes between the valve and filter element. Accordingly, Applicant's independent claims 13 and 23, as well as the claims which depend therefrom, can not be anticipated by GB '395.

Claims 14-19 have been rejected under 35 U.S.C. §102(b) as anticipated by Buckman '023. Applicant respectfully traverses this rejection.

Buckman '023 does not disclose upstream spaced projections between the collar member of the valve and the filter element which engage both the collar member and the

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filter member in order to allow fluid pressure to be applied to the sealing portion of the collar member so as to effect separation of the sealing portion from the filter element. Rather, in Buckman there are channels between castellations 34 which allow fluid pressure to pass through the inner support tube 30 in order to apply pressure to the neck 24 of the seal or valve member 20. Clearly, Buckman et al. '023 functions in the same manner as Suzuki '183 in which fluid pressure is applied through the openings 35 of support tube 32 that is integral with the filter element 30. In neither case are there spaced projections upstream of a sealing portion (or sealing lip) which allows fluid pressure to be applied to the sealing portion or lip. Note that the tapered notches of Buckman et al. '023 are downstream of the sealing portion of the valve or seal 20. For these reasons, Buckman et al. '023 does not anticipate Applicant's claims 14-19 or Applicant's new claims 23-30.

Applicant sincerely appreciates the suggested allowable claim 13 (now claim 30) and has included this claim in the claims now presented for examination. However, after a very thorough consideration of the prior art, the inventor and the Assignee are of the opinion that broader claims are warranted in this application.

Double Patenting:

Applicant submits herewith a Terminal Disclaimer disclaiming the terminal portion of co-pending application no. 09/965,805, thus negating the rejection under the judicially created doctrine of obviousness-type double patenting.


In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which could be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

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The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


John R. Moses, Reg. No. 24,983
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

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